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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Kentaro KAWAZOE et al) Confirmation No. 4862
Serial No.: 10/531,171) Examiner: Freistein, Andrew B.
Filed: April 11, 2005) Group Art Unit No.: 1626
)

For: PROCESS FOR PRODUCING AROMATIC NITRILE COMPOUND

PETITION FOR WITHDRAWAL OF RESTRICTION REQUIREMENT UNDER
37 CFR 1.144

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Director review and direct withdrawal of the Restriction Requirement mailed August 21, 2006. That Restriction Requirement was traversed in applicants' response filed October 19, 2006 and was subsequently made "final" by the office action of December 21, 2006.

The claimed invention is directed to a novel process for the production of certain aromatic nitrile compounds represented by a "general formula (3)" by reaction of (1) a compound of "general formula (1)", (2) an oxidized bromine compound and (3) ammonia or an ammonium salt.

As noted in MPEP §1850, when the US Patent Office considers international applications during the national stage, restriction practice must comply with PCT rules 13.1 and 13.2. PCT Rule 13.2 states that the requirement of unity of invention is fulfilled "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features." All of the embodiments disclosed and claimed in the captioned application share at least one "special technical feature" and, therefore, the requirement of PCT Rule 13.2 is satisfied. More specifically, applicants identify a "shared special technical feature at page 4 lines 5-14

which reads as follows:

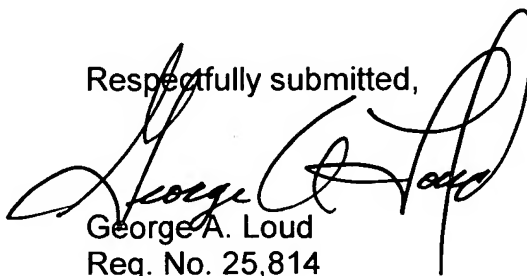
"In view of such a situation, the present inventor made a study on a process which can produce an aromatic nitrile compound from either of an aromatic hydroxymethyl compound, an aromatic alkoxymethyl compound and an aromatic aldehyde compound, or from a mixture thereof. As a result, the present inventor found unexpectedly that the above aim could be solved by reacting the above aromatic compound with an oxidized bromine compound in the presence of an acid catalyst, using ammonia or the like as a nitrogen source. The present invention has been completed based on this finding." [Emphasis added.]

All embodiments disclosed and claimed in the captioned application share in common the "special technical feature" as defined by the underlined language in the above quote. Nowhere in this record has the Examiner recognized or in any way addressed the above-quoted statement.

It is respectfully submitted that the Examiner has erred (2) in failing to recognize that a single "special technical feature," shared in common by all embodiments, satisfies the the requirement of PCT rules 13.1 and 13.2 , (2) in refusing to consider the import of the above-quoted statement and (3) in focusing solely on the definitions of the product (general formula (3)) and of one reactant (general formula (1)).

Accordingly, it is respectfully submitted that the restriction requirement should be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George A. Loud", is written over the typed name and registration number.

George A. Loud
Reg. No. 25,814

February 21, 2007

Atty. Docket No.: KAWZ3001/GAL

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